## Exhibit C

August 30, 2011

OMT.	NGINHO POWELL			August 30, 20
		mno promptom coupm	1	(WHEREUPON, the witness was duly
IN THE UNITED STATES DISTRICT COURT		2	sworn.)	
	FOR THE NORTHERN DISTRICT OF ILLINOIS  EASTERN DIVISION		3	DOMINGINHO POWELL,
	EASTERN	DIVISION	_	·
			4	called as a witness, having been duly sworn, was examined and testified as follows:
	DOMINGINHO POWELL,	1	5	
	Plaintiff,	) Case No.	6	EXAMINATION DV NO. COLUMN TO
	vs.	) 10 CV 7852	7	BY MR. SCHULTZ:
	WEST ASSET MANAGEMENT.	)	8	Q. Mr. Powell, we just met a few minutes
	INC.,	)	9	ago, but my name is Jim Schultz, and I'm here to ask
	Defendant.	)	10	you some questions today regarding a lawsuit you
			11	filed against my client, West Asset Management, Inc.
	The deposition	of DOMINGINHO POWELL,	12	Could you please state your full name,
	called as a witness herei	n for examination, taken	13	spelling your last name, for the record?
	pursuant to the Federal R	tules of Civil Procedure of	14	A. First name is Dominginho, last name is
	the United States Distric	t Courts pertaining to the	15	Powell, P-O-W-E-L-L.
	taking of depositions, ta	ken before ELIA E. CARRION,	16	MR. SCHULTZ: Let the record reflect that this
	CSR No. 084.004641, a Cer	tified Shorthand Reporter	17	is the deposition I'm sorry, I'm going to
	of said state, taken at 5	5 West Monroe Street,	18	mispronounce your name Dominginho
	Suite 1120, Chicago, Illi	nois, on the 30th day of	19	BY THE WITNESS:
	August, A.D. 2011, at 6:1	4 p.m.	20	<ul> <li>A. Dominginho. That's fine, I'm used to it.</li> </ul>
			21	MR. SCHULTZ: - deposition of Mr. Powell,
			22	being taken pursuant to notice and agreement of the
			23	parties, and pursuant to the applicable local rules
			24	and Federal Rules of Civil Procedure.
			2	
1	APPEARANCES:		1 1	BY MR. SCHULTZ:
2			2	<ul><li>Q. Mr. Powell, have you ever given a</li></ul>
3	BURKE LAW OFFIC	ES, LLC,	3	deposition before?
4	(155 North Michigan	Avenue, Suite 9020,	4	A. Yes.
5	Chicago, Illinois 606	01,	5	<ul> <li>Q. Okay, so you're familiar with our</li> </ul>
6	Tel: 312-729-5288,		6	question and answer format here?
7	Fax: 312-729-5289,		7	A. The format, yes.
8	Aburke@BurkeLawL	LC.com), by:	8	Q. If at any point in time I ask you a
9	MR. ALEXANDER H	. BURKE,	9	question and you don't understand, just let me know.
	appeared on beha	alf of the Plaintiff;	10	I'll be more than happy to rephrase it for you.
10			١,,,	Okaya
10			11	Okay?
	SESSIONS FISHMA	N NATHAN & ISRAEL LLP,	12	A. Okay.
11	SESSIONS FISHMA (55 West Monroe Str			-
11 12		eet, Suite 1120,	12	A. Okay.
11 12 13	(55 West Monroe Str	eet, Suite 1120,	12	A. Okay.     Q. If you need to take a break, talk to your.
11 12 13 14	(55 West Monroe Str Chicago, Illinois 606	eet, Suite 1120,	12 13 14	A. Okay.     Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and
11 12 13 14 15	(55 West Monroe Str Chicago, Illinois 606 Tel: 312-578-0990,	reet, Suite 1120, 03-5130,	12 13 14 15	A. Okay. Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and we'll try to accommodate as best we can. Okay?
11 12 13 14 15	(55 West Monroe Str Chicago, Illinois 606 Tel: 312-578-0990, Fax: 312-578-0991,	eet, Suite 1120, 03-5130, aw.biz), by:	12 13 14 15 16	A. Okay. Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and we'll try to accommodate as best we can. Okay? A. Okay. Q. Finally, if you could keep giving verbal
11 12 13 14 15 16 17	(55 West Monroe Str Chicago, Illinois 606 Tel: 312-578-0990, Fax: 312-578-0991, jschultz@sessions-la MR. JAMES K. SCH	eet, Suite 1120, 03-5130, aw.biz), by: ULTZ,	12 13 14 15 16 17	A. Okay.  Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and we'll try to accommodate as best we can. Okay?  A. Okay.
11 12 13 14 15 16 17	(55 West Monroe Str Chicago, Illinois 606 Tel: 312-578-0990, Fax: 312-578-0991, jschultz@sessions-la MR. JAMES K. SCH	eet, Suite 1120, 03-5130, aw.biz), by:	12 13 14 15 16 17 18	A. Okay. Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and we'll try to accommodate as best we can. Okay? A. Okay. Q. Finally, if you could keep giving verbal responses like you're doing, the yeses and the nos, rather than shakes of the head or shakes of the
11 12 13 14 15 16 17 18 19	(55 West Monroe Str Chicago, Illinois 606 Tel: 312-578-0990, Fax: 312-578-0991, jschultz@sessions-la MR. JAMES K. SCH	eet, Suite 1120, 03-5130, aw.biz), by: ULTZ,	12 13 14 15 16 17 18 19	A. Okay. Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and we'll try to accommodate as best we can. Okay? A. Okay. Q. Finally, if you could keep giving verbal responses like you're doing, the yeses and the nos, rather than shakes of the head or shakes of the finger, whatever you might do, it'll make our court
11 12 13 14 15 16 17 18 19	(55 West Monroe Str Chicago, Illinois 606 Tel: 312-578-0990, Fax: 312-578-0991, jschultz@sessions-la MR. JAMES K. SCH	eet, Suite 1120, 03-5130, aw.biz), by: ULTZ,	12 13 14 15 16 17 18 19 20 21	A. Okay. Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and we'll try to accommodate as best we can. Okay? A. Okay. Q. Finally, if you could keep giving verbal responses like you're doing, the yeses and the nos, rather than shakes of the head or shakes of the finger, whatever you might do, it'll make our court reporter's job here a lot easier. Okay?
11 12 13 14 15 16 17 18 19 20 21	(55 West Monroe Str Chicago, Illinois 606 Tel: 312-578-0990, Fax: 312-578-0991, jschultz@sessions-la MR. JAMES K. SCH	reet, Suite 1120, 03-5130, aw.biz), by: ULTZ, alf of the Defendant.	12 13 14 15 16 17 18 19	A. Okay. Q. If you need to take a break, talk to your lawyer or anything like that, just let me know, and we'll try to accommodate as best we can. Okay? A. Okay. Q. Finally, if you could keep giving verbal responses like you're doing, the yeses and the nos, rather than shakes of the head or shakes of the finger, whatever you might do, it'll make our court



Toll Free: 800.708.8087 Facsimile: 312.704.4950

August 30, 2011

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	5		
1		1	Q. Like an associate's degree or?
2	(WHEREUPON, there was a short	2	A. Certificate.
3	interruption.)	3	Q. Okay.
	BY MR. SCHULTZ:	4	<ul> <li>A. Medical assistant's certificate.</li> </ul>
5	Q. That address on	5	Q. What's your date of birth?
	in Chicago?	6	A. [
7	A. Yes,	7	Q. Do you have a driver's license on you?
8	There's a unit number.	8	A. Yes.
9	Q. Okay, what's that?	9	Q. Can I take a look at it?
10	A	10	MR. BURKE: All this personal data we'd ask to
11	Q. How long have you lived there?	11	keep out of the record.
	A. Since December.	12	MR. SCHULTZ: Sure. To the extent we'll be
12		13	filing this.
13	Q. Who do you live there with?	14	BY MR. SCHULTZ:
14	A. My girlfriend.	15	Q. I'm just going to write down but not put
15	Q. What's her name?	l .	on the record your social security — I'm sorry,
16	A. Ashley.	16	
17	Q. Ashley Walsh?	17	your driver's license number.
18	A. Yeah.	18	A. Okay.
19	MR. SCHULTZ: Off the record.	19	Q. Will you just confirm for me that the
20	(WHEREUPON, discussion was had off	20	last four of that number is ?
21	the record.)	21	A. Yes, it is.
22	BY MR. SCHULTZ:	22	Q. Okay. Mr. Powell, during the course of
23	<ul> <li>Q. Besides you and Ashley, does anybody else</li> </ul>	23	this litigation we have we, being West Asset
24	live there?	24	Management, have served you with certain discovery.
	6		
1	A. No.	I	Do you know what I'm talking about when I
2	Q. All right.	2	say that? Do you know what discovery is?
3	Are you employed?	3	<ul> <li>A. You could explain it for me.</li> </ul>
4	A. Yes.	4	<ul><li>Q. Okay. We've asked, through your</li></ul>
5	Q. Who are you employed with?	5	attorney, for you to provide some documents and
6	A. North Shore University.	6	answer some questions for us.
7	Q. Just generally	7	A. Yes, yes.
8	A. Health Systems.	8	Q. Have you participated in that?
9	Q. Sorry. Health systems?	9	A. Yes.
10	A. Yeah, mm-hmm.	10	Q. During the course of the litigation,
11	Q. Generally, what do you do for North Shore	11	we've asked for the production of certain documents.
12	University Health Systems?	12	Other than what you have provided to me
13	A. Registered medical assistant.	13	before today's deposition, are you aware of any
14	Q. What does that mean? What do you do on a	14	other documents that have been provided to West to
	given day?	15	support your claims?
16	A. Patient care.	16	A. Yes.
17	Q. Okay. I assume there was some education	17	Q. What other documents have you produced in
	that you went through to get that?	18	this lawsuit?
	A. Yes.		A. An assignment.
19		19	· ·
20	Q. What's your highest level of education?	20	Q. Okay. That's the assignment from your
~ ~	A. Trade school. I went to trade school for	21	mother
21			
22	it.	22	A. Correct.
	it. Q. So it's post high school? A. Yes, after high school.	22 23 24	A. Correct.  Q. — for this claim?  A. Correct.



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11 Q. Besides the assignment, then, which I 2 apologize. I should have mentioned, and then these 3 bills, which well mark later on, is there anything 4 elses?  5 A. No, not that I can remember.  6 Q. I understand you're not the lawyer here, 7 this is Alex's job. But to the best of your 8 knowledge, as we sit here today, are there any other 9 documents that you articipate you'll have to support 10 your claims against West?  11 A. Possibly, I could possibly get more 12 documentation from the actual phone provider.  12 MR. BURKE: And we — 13 MR. BURKE: And we — 14 BY THE WITNESS: 15 A. It was too short a notice, I couldn't get 16. It. They have to mail it out. If sa process. 17 BY MR. SCHULTZ: Coay. 18 MR. SCHULTZ: Coay. 19 MR. SCHULTZ: Coay	70117	THE CITATION IN THE CONTINUE OF THE CONTINUE O		August 30, 2011
a sologize, I should have mentioned, and then these bills, which we'll mark later on, is there anything eise? A. No, not that I can remember. C. I understand you're not the lawyer here, this is Alex's job. But to the best of your knowledge, as we sit here today, are there any other documents that you anticipate you'll have to support your claims against West? A. Possibly, I could possibly get more documentation from the achaal phone provider. BY THE WITNESS: A. It was too short a notice, I couldn't get it. It have have to mail it out. It's a process. BY MR. SCHULTZ: A. So we're talking about your phone bills? MR. BURKE: Right, and we lessued a subpoena today asking for the relevant months. MR. SCHULTZ: C. While you guys were gone, we marked this as Exhibit 1. WHEREUPON, a scertain document was marked Powell Deposition Exhibit No. 1, for identification, as of this date.) WHEREUPON, discussion was had off the record.) WHEREUPON, discussion of the counter was the discussion was had off the record.) WHEREUPON, discussion of the record by an experiment of the the washis of the resord of the rec			9	11
bills, which we'll mark later on, is there anything 4 else? 5 A. No, not that I can remember. 6 C. I understand you're not the lawyer here, 7 this is Alex's job. But to the best of your 8 knowledge, as we sit here today, are there any other 9 documents that you anticipate you'll have to support 10 your claims against West? 11 A. Possibly, I could possibly get more 12 documentation from the actual phone provider. 13 MR, BURKE: And we	1	Q. Besides the assignment, then, which I	;	MR. SCHULTZ: Off the record.
bills, which we'll mark later on, is there anything else?  A. No, not that I can remember. C. I understand you're not the lawyer here, thousedge, as we sit here today, are there any other documents that you anticipate you'll have to support your claims against West?  A. Possibly, I could possibly get more documentation from the actual phone provider. MR. BURKE: And we BY THE WITNESS: K. It was too short a notice, I couldn't get it. They have to mail it out. It's a process. BY MR. SCHULTZ: MR	2	apologize, I should have mentioned, and then these	:	(WHEREUPON, discussion was had off
4 eise? 5 A. No, not that I can remember. 6 Q. I understand you're not the lawyer here, 7 this is Alex's job. But to the best of your 8 knowledge, as we sit here today, are three any other 9 documents that you anticipate you'll have to support 10 your claims against West? 11 A. Possibly, I could possibly get more 12 documentation from the actual phone provider. 13 MR. BURKE: And we — 14 BY THE WITNESS: 15 A. It was too snort a notice, I couldn't get 16 it. They have to mail it out. It's a process. 17 BY MR. SCHULTZ: 18 Q. So we're talking about your phone bills? 19 MR. BURKE: Right, and we issued a suppoena 10 today saking for the relevant months. 20 today saking for the relevant months. 21 MR. SCHULTZ: 22 Q. Other than those documents that we're 23 going to get from the phone carrier, which I  10 understand is Sprint, any other documents that we're 24 going to get from West? 25 A. Not at this time, no. 26 Q. Do you have any recordings of any calls have? 27 A. No Care. 28 Q. Care you just tell us what it is? 29 In the color of the voicemails left on my coll phone. 20 Q. Okay. What types of recordings might you is have? 21 A. No conversations that you ever head with West? 22 A. No conversations that you ever head with West? 23 A. No conversations that you ever head any recordings of any conversations that you ever head with West? 24 A. No conversations fat you ever head with West? 25 context of this litigation? 26 Convex, our you ever head any recordings of any conversations that you ever head with West? 26 A. No conversations fat you ever head with West? 27 A. No conversations fat you ever head any recordings of any conversations that you ever head any recordings between yourself and anybody from West; on the record is the formation of the voicemails left on my conversations that you ever head any recordings of any conversations that you ever head any recordings between yourself and anybody from West; on the response to West's discovery requests. 29 Context of this litigation? 20 Cokay. What types of recordings	3		:	the record.)
C. I understand you're not the lawyer here, this is Alex's job. But to the best of your knowledge, as we sithere today, are there any other documents that you anticipate you'll have to support your claims against West?  A. Possibly, loould possibly get more documentation from the actual phone provider.  BY THE WITNESS:  A. It was too sonch a notice, I couldn't get it. They have to mail it out. It's a process.  BY MR. SCHULTZ:  WHEREUPON, a certain document was marked Powell Deposition Exhibit No.  1, for identification, as of this date.)  (WHEREUPON, a certain document was marked Powell Deposition Exhibit No.  1, for identification, as of this date.)  (WHEREUPON, the document was tendered to the witness.)  BY MR. SCHULTZ:  WHEREUPON, a certain document was tendered to the witness.)  WHEREUPON, the document was tendered to the witness.)  BY MR. SCHULTZ:  C. So we're talking about your phone bills?  MR. BURKE: Right, and we issued a subpoona today asking for the relevant months.  MR. BURKE: Right, and we issued a subpoona today asking for the relevant months.  MR. BURKE-RUPON, a certain document was tendered to the witness.)  WHEREUPON, the document was tendered to the witness.)  BY MR. SCHULTZ:  C. So we're talking about your phone bills?  MR. BURKE: Right, and we issued a subpoona today asking for the relevant months.  BY MR. SCHULTZ:  C. So we're talking about your phone bills?  BY MR. SCHULTZ:  A. Nes SCHULTZ:  A. Nes SCHULTZ:  A. Nes SCHULTZ:  A. Nes SCHULTZ:  A. No Coversations time, no.  C. Can you just tell us what it is?  10 A. No actual phone carrier, which I  A. No.  C. Can you just tell us what it is?  11 A. No.  C. Can you just tell us what it is?  12 A. Powell's response to West's discovery requests.  D. Oyou have any recordings of any calls attached all responsive documents that he has been attached all responsive documents you might have been referencing there, if any.  A. Powell's ask power in the request for production number I, where we basically asked you to identify all the documents that tup	4	* *		(WHEREUPON, discussion was had off
this is Alex's job. But to the best of your knowledge, as we sit here today, are there any offer documents that you anticipate you'll have to support your claims against West?  A. Possibly, I could possibly get more documentation from the actual phone provider.  MR. BURKE: And we — 13 MR. BURKE: And we — 13 MR. BURKE: And we — 13 MR. SCHULTZ:  BY MR. SCHULTZ: 17 BY MR. SCHULTZ: 17 BY MR. SCHULTZ: 17 MR. SCHULTZ: 17 MR. SCHULTZ: Okay. 18 BY MR. SCHULTZ: Okay. 18 BY MR. SCHULTZ: Okay. 19 BY MR. SCHULTZ: 0kay. 19 BY MR. SCHULTZ: Okay. 19 BY MR	5	A. No, not that I can remember.	!	the record between the witness and
this is Alex's job. But to the best of your strowiedge, as we sit here today, are there any other documents that you anticipate you'll have to support your claims against West?  1 A. Possibly, I could possibly get more documentation from the actual phone provider.  13 MR. BURKE: And we — 13 marked Powell Deposition Exhibit No. 1, for identification, as of this date.)  15 A. It was too short a notice, I couldn't get it. If. They have to mail it out. It's a process.  16 it. They have to mail it out. It's a process.  17 BY MR. SCHULTZ:  18 O. So we're talking about your phone bills?  19 MR. BURKE: Right, and we issued a subpoena to day asking for the relevant months.  21 MR. SCHULTZ:  22 Q. Other than those documents that we're agoing to get from the phone carrier, which I  24 understand is Sprint, any other documents that you anticipate?  25 A. Not at this time, no.  26 Q. Do you have any recordings of any calls you got from West?  27 A. Not at this time, no.  28 Q. Okay. What types of recordings might you had them?  29 Conversations that you ever had with West?  20 A. No conversations, no.  21 Q. Have you ever heard any recordings of any calls ocurrents that you anticipate?  28 Conversations that you of the voicemails left on my cell phone.  29 Conversations that you ever had with West?  20 A. No conversations, no.  21 Q. Have you ever heard any recordings between yourself and anybody from West, in the concerned, there, we're just talking about the phone bills for you, Jim. MR. SCHULTZ:  29 Conversations that you ever heard any recordings between yourself and anybody from West, in the concerned, there, we're just talking about the phone bills for you, Jim. MR. SCHULTZ: And just so I'm clear, is the concerned, there, we're just talking about the phone bills for you, Jim. MR. SCHULTZ: And just so I'm clear, is the concerned, there, we're just talking about the phone bills and then the assignment from your mom?  20 Convex of the we're talking about the phone bills and then the assignment from your mom?  21 A. No co	6	Q. I understand you're not the lawyer here,	(	Mr. Burke, outside the hearing of
8 knowledge, as we sit here today, are there any other documents that you anticipate you'll have to support your conversations from the actual phone provider.  10 A. Possibly, I could possibly get more documentation from the actual phone provider.  11 A. Possibly, I could possibly get more documentation from the actual phone provider.  12 MR. BURKE: And we	7		.	other counsel and the court
9 documents that you anticipate you'll have to support 10 your claims against West? 11 A. Possibly, I could possibly get more 12 documentation from the actual phone provider. 13 MR. BURKE: And we — 14 BY THE WITNESS: 15 A. It was too short a notice, I couldn't get 16 it. They have to mail it out. It's a process. 17 BY MR. SCHULTZ: 18 Q. So we're talking about your phone bills? 19 MR. BURKE: Right, and we issued a subpoena 20 today asking for the relevant months. 21 MR. SCHULTZ: 22 BY MR. SCHULTZ: 23 Q. Other than those documents that we're 24 going to get from the phone carrier, which I 2 understand is Sprint, any other documents that you a anticipate? 2 understand is Sprint, any other documents that you anticipate? 3 A. Not at this time, no. 4 Q. Do you have any recordings of any call have? 4 Q. Okay. What types of recordings might you have any recordings of any conversations that you ever heard any recordings 10 Q. Have you ever heard any recordings of any conversations that you ever heard any recordings between yourself and anybody from West, in the context of this litigation? 2 Department of the witness, in the context of this litigation? 3 Park SCHULTZ: 4 (WHEREUPON, a certain document was marked powell Deposition Exhibit No. 5 (WHEREUPON, the document was tendered to the witness.) 5 (WHEREUPON, the document was tendered to the witness.) 6 (WHEREUPON, the document was tendered to the witness.) 7 Park Powell, I've handed you a document that you a document at all, sizing the witness.) 8 Park R. SCHULTZ: 9 Park R. SCHULTZ: 10 Q. Mr. Powell, I've handed you a document that we're agoing to get from the phone carrier, which I 10 understand is Sprint, any other documents that you anticipate? 10 understand is Sprint, any other documents that you anticipate? 11 A. Not at this time, no. 12 Q. Okay. 12 A. Powell, I've handed you a document that we're agoing to get from the phone carrier, which I 18 A. Yes. Q. Can you just tell us what it is? 19 A. Powell Standard and all time the page 7. And just the measure producti	8	·	;	reporter.)
10 your claims against West? 11 A. Possibly, I could possibly get more 22 documentation from the actual phone provider. 13 MR. BURKE: And we	9	- · · · · · · · · · · · · · · · · · · ·		BY MR. SCHULTZ:
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12 documentation from the actual phone provider. 13 MR. BURKE: And we — 14 BY THE WITNESS: 15 A. It was too short a notice, I couldn't get 16 it. They have to mail it out. It's a process. 16 it. They have to mail it out. It's a process. 17 BY MR. SCHULTZ: 18 Q. So we're talking about your phone bills? 19 MR. BURKE: Right, and we issued a subpoena to today asking for the relevant months. 20 today asking for the relevant months. 21 MR. SCHULTZ: Okay. 22 BY MR. SCHULTZ: 23 Q. Other than those documents that we're 24 going to get from the phone carrier, which I 21 understand is Sprint, any other documents that you anticipate? 23 A. Not at this time, no. 24 Q. Do you have any recordings of any calls you got from West? 25 A. That I'm not sure of. 26 A. That I'm not sure of. 27 Q. Okay. 28 A. Not at this time, no. 39 Q. Okay. Do you know where they would be, if you had them? 29 Q. Okay. Do you know where they would be, if you had them? 20 Q. Okay, What types of recordings might you have? 21 A. A recording of the voicemails left on my cell phone. 22 D. Oxay, so it would just be messages? 23 A. A recording of the voicemails left on my cell phone. 24 Q. Okay, so it would just be messages? 25 Q. Okay, so it would just be messages? 26 Q. Okay, so it would just be messages? 27 A. Just messages, yes. 28 Q. Can you just tell us what it is? 29 De view and the phone carrier, which I are that we're equests. 30 Q. I'd ask you to turn to Page 7. And just generally, I'm looking at the request for production number 1, where we basically asked you to identify all the documents that support your claim. And it just says in the response, it says, Plaintiff has attached all responsive documents that he has been able to locate. 31 Q. Okay. Again, so as far as you're concerned, then, we're just talking about the phone bills and then the assignment from your mom? 41 A. No conversations, no. 42 Q. Ckay. 43 A. Prone bills. 44 Correct. 45 Q. Okay. 46 A. Or okay. 57 A. Prone bills. 58 YMR. SCHULTZ: 59 A. Powell's response it weet as event and t	1		1	
MR. BURKE: And we — 13 marked Powell Deposition Exhibit No. 14 BY THE WITNESS: 15 A. It was too short a notice, I couldn't get 15 date.)  15 it. They have to mail it out. It's a process. 16 (WHEREUPON, the document was 17 BY MR. SCHULTZ: 17 tendered to the witness.)  18 Q. So we're talking about your phone bills? 18 BY MR. SCHULTZ: 19 MR. BURKE: Right, and we issued a subpoena 10 today asking for the relevant months. 19 MR. SCHULTZ: 19 Q. Mr. Powell, I've handed you a document 10 today asking for the relevant months. 10 Understand is Sprint, any other documents that we're 10 Q. Or uncognize that document at all, 10 Sir? 10 Q. Or uncognize that document at all, 10 Q. Or uncognize that unchored the witness.)  10 Q. Or uncognize that document at all, 10 Q. Or uncognize that document at all, 10 Q. Or uncognize that we're 19 Q. Or uncognize that document at all, 10 Q. Or uncognize that document at all, 10 Q. Or uncognize that document at all, 10 Q. Or uncognize that document that unchored that we're 19 Q. Or uncognize that document that the all that we're 19 Q. Or uncognize that document that the all that we're 19 Q. Or uncognize that document that the all that we're 19 Q. Or uncognize that the has been 19 Q. Or uncognize that document that unchored th			1	
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1	22		2.	2 Jim.
24 A. No. 24 counsel there me, or is it you?	23	· ·	2	MR. SCHULTZ: And just so I'm clear, is the
	24	A. No.	2	counsel there me, or is it you?



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August 30, 2011

DOMETTE	NGINHO LOMERT		August 30, 2011
	13		15
1	MR. BURKE: Me, me.	1	anybody besides West looking for Charmaine Hunter?
2	MR. SCHULTZ: Okay, all right.	2	A. Yes.
3	BY MR. SCHULTZ:	3	<ul> <li>Q. Who else has called you looking for</li> </ul>
4	Q. Mr. Powell, what is it, generally, that	4	Charmaine Hunter?
5	you allege West did wrong, or what did they do to	5	<ol> <li>I can't remember the name right now.</li> </ol>
б	violate your rights?	6	Q. Was it a debt collector?
7	A. Calling my cell phone looking for someone	7	A. Yes, it was.
8	else on many occasions.	8	<ul> <li>Q. Do you know what type of debt they were</li> </ul>
9	Q. Did West ever call looking for you, as	9	trying to collect?
10	far as you know?	10	A. No idea whatsoever.
11	A. No.	11	<ul> <li>Q. How many calls have you gotten from that</li> </ul>
12	Q. And why don't you just tell me the last	12	company?
13	four digits of your cell number?	13	<ul> <li>A. This was a while ago also, but it was</li> </ul>
14	MR. SCHULTZ: Is that okay, Alex?	14	over ten.
15	MR. BURKE: Just not the whole thing.	15	Q. Did you file a lawsuit against them?
16	BY THE WITNESS:	16	A. Yes.
17	A. 7272.	17	Q. Is that lawsuit pending?
18	BY MR. SCHULTZ:	18	A. No.
19	Q. Is that the number that you claim West	19	Q. If you look in your interrogatory
20	was calling you at, unlawfully?	20	responses on Page 5, in response to Interrogatory
21	A. Yes. I switched phones at one point, but	21	Number 10, you've identified a few, looks like four
22	yes.	22	other lawsuits that you've been involved with.
23	Q. You switched phones before or after West	23	Reviewing number 10, answer number 10,
24	was calling?	24	does that refresh your memory at all as to who may
_	14		16
1	A. After.	1	have been calling you?
2	Q. Okay. Did you switch in response to West	2	A. Yes.
	calling you?	3	Q. Okay. Which one of those cases involves
4	A. No.	4	a call to your cell phone looking for Charmaine
5	Q. Okay. When did you first get that 7272	5	Hunter?
f	cell phone number?	6	A. Collecto, I believe.
7	A. I'm not I don't remember at this time.	7	Q. Okay, that's the Powell versus Collecto
8	MR. BURKE: Jim, we should, just so we don't go	8	case?
	out on a tangent, I think the testimony would be	9	A. Yes.
	that he switched phones but not numbers.	10	Q. And is that case I'm sorry, I think I
11	THE WITNESS: Right.	11	asked this. Is that case still pending or has that
12	MR. SCHULTZ: Okay.	12	been resolved?
13	BY MR. SCHULTZ:	13	A. It's been resolved.
14	Q. Okay, so you switched your carrier?	14	Q. Was it settled?
15	A. Right, transferred the number over.	15	A. It was settled.
16	Q. Your cell phone number is still 7272?	16	<ul> <li>Q. And was your claim in that case that</li> </ul>
17	A. Correct.	17	Collecto was calling your cell phone unlawfully
18	<ul> <li>Q. Are you still getting any calls from</li> </ul>	18	looking for Charmaine Hunter?
19	West?	19	A. Correct.
20	A. No.	20	<ul> <li>Q. In your mind, was it basically the same</li> </ul>
21	Q. Is anybody else calling you at that 7272	21	type of case as what you've got against West?
22	number looking for Charmaine Hunter?	22	A. Yes.
23	A. No.	23	Q. Okay. I assume you've never had a
24	Q. Have you ever received any calls from	24	relationship with West that you know of?



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DOM	NGINHO POWELL		August 30, 2011
	17		19
1	A. Not to my knowledge, no.	1	A. About two years.
2	Q. You're not aware of West ever calling	2	Q. Okay. And now who's your current
3	looking for you on a debt?	3	provider?
4	A. No.	4	A. Sprint.
5	Q. And you've never given this 7272 cell	5	Q. Oh, okay. So you've only had this 7272
6	phone number to West as a number they can contact	6	number serviced either by Boost or Sprint?
7	you?	7	A. Correct,
8	A. No.	8	Q. No other carriers?
9	Q. In your mind, have you ever given consent	9	A. No, no, I'm sorry.
10	to West to call you at that number?	10	Q. That's all right.
11	A. No.	11	To the best of your knowledge, have you
12	Q. I'm sorry, I'm going to have to circle	12	ever gotten calls from West at any other number;
1.3	back on this, but when you say you don't remember	13	work number, mom's number, anything like that?
14	how long you've had this telephone number, can you	14	A. No.
15	give me an approximate? I mean is it like a year or	15	Q. Okay. How many times did West call you?
16	five?	16	And if you don't know, approximate is
17	A. Two years.	17	fine.
18	Q. About two years?	18	A. Thirty to 50.
19	A. And that's approximate.	19	Q. Okay. Did you ever answer any of those
20	Q. Yeah, I understand. And you know what,	20	calls?
21	we've got the subpoena coming, so we'll get more	21	A. Yes.
22	records. I'm just curious.	22	Q. How many times did you answer a call?
23	A. Okay.	23	A. I'm not sure how many times I answered.
24	Q. If you're off by a year or two, I don't	24	Maybe two or three times.
-		<del>- </del>	· · · · · · · · · · · · · · · · · · ·
١ ,	really care. Just so, if it's two years or	ŀ	O Did you aver talk to anyhady at Mest?
1 2	20 years.	1 2	Q. Did you ever talk to anybody at West? A. Yes. West? Yes.
3	Do you have a home phone?	3	Q. Okay. Now, again, if you can just take a
4	A. No.	4	look at your interrogatories and discovery responses
5	Q. Is the 7272 your primary number?	5	there, Exhibit Number 1.
6	A. Yes.	6	A. What page?
7	Q. Is it really your only personal number?	7	Q. Page 3. I'm sorry, Interrogatory
8	A. Yes.	1	- · · · · · · · · · · · · · · · · · · ·
9	Q. Okay. When you first opened the account,	8 9	Number 3. That asked you to identify each
10	whatever, two or more or less years ago, was it with	1	communication that you had with West.
11	Sprint?	10	Do you see that? A. Number 1?
12	A. No.	11 12	
13	Q. Who was it originally service with?	1	
14	A. Boost Mobile, I believe.	1.3	•
15	Q. Bush Mobile?	14	<ul><li>Q of the interrogatory.</li><li>A. What you need?</li></ul>
16	A. Boost, B-O-O-S-T.	1.5	•
17	Q. How long did you have Boost Mobile?	16	• • • • • • • • • • • • • • • • • • • •
18		17	communication that you had with West, correct?
19	, , , , , , , , , , , , , , , , , , , ,	18	A. Yes.
	entirely remember. It was ages ago, it feels like that.	19	Q. And in your interrogatory you state that
20		20	Plaintiff, being you, called West at least once to
21	Q. And then at some point you brought that number over to Sprint?	21	find out who was calling him.
23	A. Correct.	22	A. Correct.
1		23	Q. Okay. Other than you calling West that
24	Q. How long did you have Sprint?	24	one time, did you ever have any other conversations



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DOMIT	NGINHO POWELL		August 30, 2011
	21		23
1.	with West?	1.	Q. Have you had a chance to look at the
2	A. No. I don't remember so.	2	documents that West has, in relation to the calls
3	Q. Okay. And then if you flip the page to	3	that they were making to your cell phone, your 7272
4	Interrogatory Number 4, that generally asked you to	4	number?
5	describe each communication that you had or that	5	A. No.
6	anyone on your behalf had with West.	6	Q. I'll represent to you that those records
7	Do you see that?	7	indicate that there was never any calls that were
8	A, Yes.	8	answered when they dialed the 7272 number.
9	Q. And the answer indicates that your	9	Do you have any evidence that you could
10	attorney contacted defense counsel for West to	10	point to that would refute or rebut that evidence?
11	notify us that they were calling the wrong person,	11	You know, where you could say, no, I know I answered
12	right?	12	a call on this date?
13	A. Correct.	13	A. No, I don't.
14	Q. As far as you know, besides the one	14	Q. Okay. So it's a possibility that you
15	incoming or the one call you placed to West and then	15	called you talked to or answered a call from
16	the conversation with your attorney, are you aware	16	West, but you're not sure?
17	of anybody else having any other conversations with	17	A. Exactly.
18	West, on your behalf?	18	Q. Is it a possibility that maybe one of the
19	A. No.	19	calls you answered wasn't actually from West, it was
20	Q. Okay. So would it be fair to say, then,	20	from Collecto?
21	that as far as your communications or you actually	21	A. It's possible.
22	communicated with West, there would probably be just	22	Q. And then would it likewise be possible
23	the two examples, the one time when you called West	23	that you never really told West to stop calling you?
24	and the one time when your attorney called West?	24	A. It's possible.
			0.1
1	A. Maybe I answered before, but	1	Q. Do you think there's any documents out
2	approximately, yeah.	2	there where you could put your hands on, you could
3	Q. Okay. When would you have answered	3	say, oh, now that this is an issue in this case I
4	before?	4	can go out and get these documents, and they're
5	A. Like I said, it was between 30 and 50	5	going to show that I talked to West?
6	calls, so I might have been busy or I just don't	6	Are you aware of anything like that?
7	remember if I did or if I didn't.	7	A. No, 'cause the phone bills aren't even,
8	Q. So as you sit here, do you have any	8	you know, detailed like that.
9	specific recollection of ever talking to West when	9	Q. Okay. The cell phone that we're dealing
10	you answered a call?	10	with here, the 7272 number, that looks like it's
11	A. Other than saying hello, no.	11	part of a family plan?
12	Q. Okay. Do you recall the substance of any	12	A. Correct.
13	conversations that you had with West?	13	Q. Who else is on that plan besides
14	A. No.	14	yourself?
15	Q. Do you know if you ever told West to stop	15	A. My girlfriend and my mom. My mom is the
16	calling the number that they were calling on?	16	primary.
17	A. I want to say yes, I do, but I don't I	17	Q. You said your mom is the primary?
18	couldn't give, you know, exact detail of when and		· · · · · · · · · · · · · · · · · · ·
19		18	
20	what time, what day or even for sure if I ever said that, so.	20	Q. But you pay for part of this bill? A. Yes.
21	Q. Okay. Have you had a chance to ever look	21	A. Yes.  MR. SCHULTZ: Why don't we just go ahead and
22	at the records that West Asset produced in this	22	mark this as number 2.
23	case?	23	(WHEREUPON, a certain document was
24	A. Repeat it.		•
	A. REDESTIL	24	marked Powell Deposition Exhibit No.



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· · · · ·			Mugust 30, 2011
1	25	5	27
1,	2, for identification, as of this	1	A. Cash, cash.
2	date.)	2	Q. Do you ever pay her by check?
3	(WHEREUPON, the document was	3	A. No.
4	tendered to the witness.)	4	Q. Do you ever, say, send a check to Sprint?
5	BY MR. SCHULTZ:	5	A. No.
6	Q. Mr. Powell, we just handed you what's	6	Q. When you pay by phone, does that go on
7	been marked as Powell Exhibit Number 2. That's a	7	like a credit card?
8	three-page document. I believe it's the phone	8	A. Credit card, yeah.
9	records that you provided before today's deposition.	9	Q. Okay. Is that a credit card in your
10	Does that look about right?	10	name?
11	A. Yes.	11	A. Yes.
12	Q. And in the middle, on the left-hand side	12	Q. What type of credit card is it? Just
13	of the first page there's three phone numbers there,	13	generally, is it a MasterCard, Visa?
14	right?	14	A. Debit, debit MasterCard from my bank.
15	A, Yes.	15	Q. Besides your mother, Ashley, and
16	Q. Those are the three numbers associated	16	yourself, are there any other people that use any of
17	with this account?	17	these phones, that you know of, that are authorized
18	A. Yes.	18	users of these three phone numbers?
19	Q. Do you know how long your mother has had	19	A. No.
20	her account with Sprint?	20	Q. Are there any other people that you're
21	A. I'm not entirely sure, but a lot longer	21	aware of that's an authorized user of your 7272
22	than me. Maybe, maybe three years.	22	number?
23	Q. At some point in time you joined it, as	23	A. No.
24	part of a family plan?	24	Q. Besides the calls that you got for
	<u> </u>		
	20	ì	28
1	A. Correct.	1	Charmaine Hunter from West and then from Collecto,
2	Q. And then at some point after that Ashley	2	have you ever gotten another call for another party,
3	joined it?	3	you know, some third party besides Charmaine Hunter,
4	A. Right.		
5		4	on your 7272 cell phone number?
	Q. Now, this bill, just for example, shows	5	A. Looking for her?
6	about a \$444 amount due, right?	5 6	A. Looking for her?     Q. Just looking for anybody, no, a wrong
6 7	about a \$444 amount due, right?  A. Yes.	5	A. Looking for her?     Q. Just looking for anybody, no, a wrong number?
6 7 8	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do	5 6 7 8	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes.
6 7 8 9	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?	5 6 7 8 9	<ul> <li>A. Looking for her?</li> <li>Q. Just looking for anybody, no, a wrong number?</li> <li>A. Wrong numbers, yes.</li> <li>Q. Have you ever had another debt collector</li> </ul>
6 7 8 9 10	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for	5 6 7 8 9	<ul> <li>A. Looking for her?</li> <li>Q. Just looking for anybody, no, a wrong number?</li> <li>A. Wrong numbers, yes.</li> <li>Q. Have you ever had another debt collector call you, looking for somebody?</li> </ul>
6 7 8 9 10	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.	5 6 7 8 9	<ul> <li>A. Looking for her?</li> <li>Q. Just looking for anybody, no, a wrong number?</li> <li>A. Wrong numbers, yes.</li> <li>Q. Have you ever had another debt collector call you, looking for somebody?</li> <li>A. No debt collectors, to my knowledge, no.</li> </ul>
6 7 8 9 10	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are	5 6 7 8 9	<ul> <li>A. Looking for her?</li> <li>Q. Just looking for anybody, no, a wrong number?</li> <li>A. Wrong numbers, yes.</li> <li>Q. Have you ever had another debt collector call you, looking for somebody?</li> <li>A. No debt collectors, to my knowledge, no.</li> <li>Q. Just somebody looking for a friend or</li> </ul>
6 7 8 9 10	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?	5 6 7 8 9 10	<ul> <li>A. Looking for her?</li> <li>Q. Just looking for anybody, no, a wrong number?</li> <li>A. Wrong numbers, yes.</li> <li>Q. Have you ever had another debt collector call you, looking for somebody?</li> <li>A. No debt collectors, to my knowledge, no.</li> <li>Q. Just somebody looking for a friend or something?</li> </ul>
6 7 8 9 10 11	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.	5 6 7 8 9 10 11	<ul> <li>A. Looking for her?</li> <li>Q. Just looking for anybody, no, a wrong number?</li> <li>A. Wrong numbers, yes.</li> <li>Q. Have you ever had another debt collector call you, looking for somebody?</li> <li>A. No debt collectors, to my knowledge, no.</li> <li>Q. Just somebody looking for a friend or something?</li> <li>A. Yeah, exactly.</li> </ul>
6 7 8 9 10 11 12	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.	5 6 7 8 9 10 11 12	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course
6 7 8 9 10 11 12 13	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.  How do you usually pay it? Do you pay	5 6 7 8 9 10 11 12 13 14	<ul> <li>A. Looking for her?</li> <li>Q. Just looking for anybody, no, a wrong number?</li> <li>A. Wrong numbers, yes.</li> <li>Q. Have you ever had another debt collector call you, looking for somebody?</li> <li>A. No debt collectors, to my knowledge, no.</li> <li>Q. Just somebody looking for a friend or something?</li> <li>A. Yeah, exactly.</li> </ul>
6 7 8 9 10 11 12 13 14	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.	5 6 7 8 9 10 11 12 13 14	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course
6 7 8 9 10 11 12 13 14 15	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.  How do you usually pay it? Do you pay	5 6 7 8 9 10 11 12 13 14 15 16	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course of getting 30 or 50 calls, like you did from West?
6 7 8 9 10 11 12 13 14 15 16	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.  How do you usually pay it? Do you pay your mom and she pays Sprint, or, just generally,	5 6 7 8 9 10 11 12 13 14 15 16 17	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course of getting 30 or 50 calls, like you did from West? A. No.
6 7 8 9 10 11 12 13 14 15 16 17	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.  How do you usually pay it? Do you pay your mom and she pays Sprint, or, just generally, how does that work?	5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course of getting 30 or 50 calls, like you did from West? A. No. Q. Besides what happened with Collecto and
6 7 8 9 10 11 12 13 14 15 16 17 18	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.  How do you usually pay it? Do you pay your mom and she pays Sprint, or, just generally, how does that work?  A. Either/or, depends on convenience.	5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course of getting 30 or 50 calls, like you did from West? A. No. Q. Besides what happened with Collecto and West?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.  How do you usually pay it? Do you pay your mom and she pays Sprint, or, just generally, how does that work?  A. Either/or, depends on convenience.  Sometimes I just call in my half, she calls in her	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course of getting 30 or 50 calls, like you did from West? A. No. Q. Besides what happened with Collecto and West? A. Correct.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	about a \$444 amount due, right?  A. Yes.  Q. And do you pay that whole amount or do you pay a portion of it, or how does that work?  A. Sometimes I pay the whole thing, but, for the most part, I just pay half.  Q. Okay. And does Ashley contribute, or are you paying on behalf of Ashley?  A. She contributes.  Q. Okay. That's nice of her.  How do you usually pay it? Do you pay your mom and she pays Sprint, or, just generally, how does that work?  A. Either/or, depends on convenience.  Sometimes I just call in my half, she calls in her half, or I just give her the money after the fact.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Looking for her? Q. Just looking for anybody, no, a wrong number? A. Wrong numbers, yes. Q. Have you ever had another debt collector call you, looking for somebody? A. No debt collectors, to my knowledge, no. Q. Just somebody looking for a friend or something? A. Yeah, exactly. Q. But you haven't had this repeated course of getting 30 or 50 calls, like you did from West? A. No. Q. Besides what happened with Collecto and West? A. Correct. MR. SCHULTZ: Mark that as 3, please.



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August 30, 2011 DOMINGINHO POWELL 29 Q. So as far as you know, are the days and 1 1 date.) times on here evidence that would have come off (WHEREUPON, the document was 2 2 3 from, directly from your cell phone? 3 tendered to the witness.) A. Say it again. BY MR. SCHULTZ: 4 4 Q. Sure. Do you know, for example, in 5 Q. Mr. Powell, I'm handing you now what's 5 Paragraph 18, where you say West called you at -- on been marked as Exhibit Number 3. This is a file 6 7/12/10 at 5:48 p.m. -stamped copy of the complaint that was filed in this 7 8 A. Mm-hmm. lawsuit. 8 9 - do you know where that information 9 Have you ever seen that document before? 10 came from? 10 A. Yes. A. No. 11 Q. Okay. Do you know what a complaint is? 11 MR. BURKE: I can tell you, Jim. 12 A. Yes. 12 MR. SCHULTZ: I'm assuming it's from the notes. 13 13 Q. Okay. And I'm just trying to make this MR. BURKE: Right. We tried to settle the case 14 so we're all on the same page. 14 15 pre-suit. 15 This is generally where you outline what MR. SCHULTZ: That's fine. 16 your claim is against West, right? 16 MR. BURKE: I had the notes. 17 77 A. Right. MR. SCHULTZ: That's fine. I was curious what 18 18 Q. Okay. In your complaint here in you might have had. 19 Paragraph 2 you state that West is calling you 19 MR. BURKE: Okay. 20 upwards of 25 times a day. 20 BY MR. SCHULTZ: 21 You see that? 21 22 A. Yes. 22 Q. You never took any photographs or 23 MR. BURKE: I think it's just a -anything of your caller IDs or saved your caller IDs 24 in any way? 24 BY MR. SCHULTZ: 3.0 32 1 Q. Upwards of 25 times? 1 A. Yes. 2 A. Of 25 times. 2 You did? Q. So I'm saying, in the complaint here Δ Yes 3 3 you're alleging they called you at least 25 times, Okay. Where is that evidence, those right? 5 5 photographs? A. Yes. 5 A. Maybe I didn't. I'm not sure. 6 Q. Based on what you testified to earlier, 7 Okay. Would there be a place where you'd you believe that they were actually calling you 30 now be able to go look for those things, if they 8 9 to 50 times? 9 exist? A. Yes. 10 10 Yeah, I can check the camera. Q. Okay. All right. 11 11 Q. If you find those, can you give them to If we kind of look into this complaint a your lawyer? 1.2 12 13 little bit, starting on Page 3, in Paragraph 13 A. Yes, definitely. Number 18, going all the way to Paragraph 41, there 14 Okay. Good. 15 are some pretty specific allegations regarding the MR. BURKE: And if I have them, Jim, I will 15 16 dates and times of calls. 16 certainly give them to you. 17 Do you see that? MR. SCHULTZ: Yeah.

17

1.8

19

20

21

22

23

24

BY MR. SCHULTZ:

Hunter?

A. Yes.

Q. Continuing in paragraph -- you would

agree with me that, to the best of your knowledge,

West was attempting to collect a debt from Charmaine

And in Paragraph 15 of your complaint



A. Mm-hmm,

Q. Is that a yes? I'm sorry.

A. Yes, I'm sorry, I'm sorry.

of when you were getting calls from West?

Q. Did you keep a diary or a log of anything

A. Other than missed calls on my cell phone,

1.8

19

20

21

22

23

24

no.

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August 30, 2011

DOMI	NGINHO POWELLE		August 30, 201.
	33		35
1	there on Page 3, I guess you state that, right?	1	that counsel informed defense counsel that his
2	A. Correct.	2	client was improperly calling Powell before filing
3	Q. All right. And do you know who Charmaine	3	suit, right?
4	Hunter is?	4	A. Correct.
5	A. I have no idea, no.	5	Q. I just want to make sure I understand
6	Q. All right. You don't have any friends,	6	that.
7	neighbors, relatives that you are aware of, with	7	After July 12, 2010, did you personally
8	that name?	8	ever call West to tell them that they were calling
9	A. No.	9	the wrong person, or did you let your lawyer do
10	Q. All right. And you have no idea what the	10	that?
11	AT&T account may have involved?	11	A. I pretty much left it up to my lawyer.
12	A. No.	1,2	Q. Okay. And then prior to July 12, 2010,
13	Q. You have no idea what Charmaine Hunter	1.3	you called into West the one time, right?
14	did to incur that debt with AT&T?	   14	MR. SCHULTZ: Let me strike that. Strike that.
15	A. No.	15	BY MR. SCHULTZ:
16	Q. All right. Since you knew that the calls	16	Q. I don't think I talked about that with
17	were coming in for Charmaine Hunter, is it fair to	17	you.
18	say, then, that you knew that West wasn't calling	18	At some point in time you called West to
1.9	you?	19	tell them you called West, right?
20	A. Yes.	20	A. Right.
21	Q. Okay. You knew that West wasn't trying	21	Q. Do you know when that call took place?
22	to call you, that they were trying to call	22	A. No.
23	Charmaine?	23	Q. Okay.
24	A. Do you mean intentionally?	24	A. Wrong number.
L-2-3			
	34	.	MR SCIUUTT. Ura acias to alouthic assis
1	Q. Yeah. They were looking for Charmaine,	1	MR. SCHULTZ: I'm going to play this again.
2	not you?	2	If you can get it, great. If not, no big deal. (WHEREUPON, an audio clip was played
3	A. Right.	3	
4	Q. Okay. I'm sorry, that's all I've got for	4	from Mr. Schultz's cell phone.)
5	the complaint.	5	" West Asset Management. How can I help
6	I'm sorry, I lied about that. Then I am done with that.	6	you?"
7		7	"I'm just I'm just I just got a missed call from this number. What is this?
8	MR. SCHULTZ: Off the record.	8	
9	(WHEREUPON, discussion was had off	9	"This is West Asset Management, calling for
10	the record.)	10	Charmaine Hunter.
11	MR. SCHULTZ: Let's go back on the record.	11	"Oh, okay."
12	BY MR. SCHULTZ:	12	(WHEREUPON, the audio clip played
13	Q. If you could take a look I skip around	13	from Mr. Schultz's cell phone was
14	a lot, I apologize. In fact I think we've gone into	1.4	concluded.)
15	these, so you can put them all to the side.	15	BY MR. SCHULTZ:
1		1.6	Q. Mr. Powell, I just played for you a
16	If we go to Exhibit Number 1, the	1	control that Most had of an incoming call from
17	discovery responses. If you go to Page 2 of those,	17	recording that West had of an incoming call from
17 18	discovery responses. If you go to Page 2 of those, the request for admission number 13. There we asked	17 18	somebody that's associated with the 7272 number,
17 18 19	discovery responses. If you go to Page 2 of those, the request for admission number 13. There we asked you to admit that you never called West since	17 18 19	somebody that's associated with the 7272 number, that they were able to identify.
17 18 19 20	discovery responses. If you go to Page 2 of those, the request for admission number 13. There we asked you to admit that you never called West since July 12, to advise that West to advise West that	17 18 19 20	somebody that's associated with the 7272 number, that they were able to identify.  Does that sound like your voice?
17 18 19 20 21	discovery responses. If you go to Page 2 of those, the request for admission number 13. There we asked you to admit that you never called West since July 12, to advise that West to advise West that they were calling the wrong number, basically, and	17 18 19 20 21	somebody that's associated with the 7272 number, that they were able to identify.  Does that sound like your voice?  A. Yes.
17 18 19 20 21 22	discovery responses. If you go to Page 2 of those, the request for admission number 13. There we asked you to admit that you never called West since July 12, to advise that West to advise West that they were calling the wrong number, basically, and you deny that, right?	17 18 19 20 21 22	somebody that's associated with the 7272 number, that they were able to identify.  Does that sound like your voice?  A. Yes.  Q. Okay. Do you recall calling West?
17 18 19 20 21	discovery responses. If you go to Page 2 of those, the request for admission number 13. There we asked you to admit that you never called West since July 12, to advise that West to advise West that they were calling the wrong number, basically, and	17 18 19 20 21	somebody that's associated with the 7272 number, that they were able to identify.  Does that sound like your voice?  A. Yes.



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NOMT	NGINHO POWELL		August 30, 2011
	37		39
1	A. I don't remember what day it was.	1	<ul> <li>Q. Okay. Do you know approximately how many</li> </ul>
2	Q. Okay. Do you recall, though, having that	2	calls it may have been?
3	conversation with somebody at West?	3	A. Maybe three or four.
4	A. Yes.	4	Q. All right.
5	Q. Does that recording that we heard, does	5	A. A couple.
6	that sound like the entirety of your conversation	6	Q. Was it right around when you got those
7	with West?	7	first three or three calls that you called in to
8	A. Yes.	8	West?
9	Q. And the way I heard it is you call in,	9	A. Correct.
10	you say, I missed a call, I just got a missed call	10	Q. West's records indicate that this
	from this number, who are you guys? And the person	11	recording was received on July 12, 2010.
11	on the phone says, this is West Asset Management,	12	Do you think that's probably right?
12	calling for Charmaine Hunter?	13	A. That's about right, I guess, yes.
13	•	14	Q. You don't have any evidence, as you sit
14	A. Right.	15	here today, that would refute that?
15	Q. Or something like that, right?	16	A. No.
16	A. Right.	17	Q. At the time you got that at the time
17	Q. And then you say "okay" and hang up?		• •
18	A. Right, correct.	18	you called into West, you had then gotten a few
19	Q. That was the end of your conversation, as	19	calls from them already?
20	best you could recall?	20	A. Possibly, yeah. It's hard to remember.
21	A. Yes.	21	Q. Yes, I understand, I understand. I'm
22	<ul> <li>Q. Okay, Is there a reason why you didn't</li> </ul>	22	just trying to test your memory the best you can.
23	tell West at that point that they were calling the	23	You're doing fine.
24	wrong number?	24	At the time you called into West, were
	38		40
1	<ul> <li>At that point it was frustration, just,</li> </ul>	1	the calls had they annoyed you at that point in
2	you know, I just wanted to get off the phone; like	2	time?
3	leave me alone, I'm not her.	3	A. Yes.
4	<ul><li>Q. Okay, that's understandable.</li></ul>	4	<ul> <li>Q. And at that point you wanted them to</li> </ul>
5	Do you know when that would have been?	5	stop?
6	MR. SCHULTZ: Strike that.	6	A. Yes.
7	BY MR. SCHULTZ:	7	Q. And you didn't know really who was
8	Q. Do you know approximately when you called	8	calling you, is that fair?
9	West, as we heard in that recording?	9	A. At first, no, not until I called them
10	A. Approximately, it has to be in the early	10	back.
11	on, in the early goings of me receiving those calls,	11	Q. Right. So at that point can you explain
12	so before July,	12	to me, then, why you didn't just say to the guy from
13	Q. Okay. Do you know	13	West, when you got him on the phone, hey, stop
14	A. Before July 12.	14	calling me?
15	Q. Do you know when West first called you	15	A. Just frustration. I didn't want to talk
16	looking for Charmaine Hunter?	16	to them anymore.
17	A. No, I don't — I don't remember exactly	17	Q. And you never called West at any point
18	when.	18	again to say, hey, stop calling me?
19	Q. Okay. According to West's records, their	19	A. Right.
20	first call to you was on July 12, 2010.	20	Q. So if you called in on approximately
21	Does that sound about right, or do you	21	July 12, after you had gotten less than ten calls
22	think you were getting calls before that?	22	from West, is that fair to say?
23	A. I don't want to guess here, so I mean,	23	A. Yes, yes.
	- · · · · · · · · · · · · · · · · · · ·	1	•
24	maybe I got some a little before then.	24	<ul> <li>Q. So then you get somewhere between 20 to</li> </ul>



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DOMINGINHO POWELL

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**4**3

44

1 40 more calls from West, right?

- 2 A. Mm-hmm, yes.
- 3 Q. And at no point do you ever answer any of
- 4 those calls and tell West to stop calling?
  - A. Correct.
  - Q. You never called West back and said, hey,
- 7 guys, stop calling me?
- 8 A. Right,
  - Q. Why didn't you do that?
- 10 A. Because at that point I had left it up to
- 11 my counsel.

5

6

q

24

б

- 12 Q. Okay. Now, when did you file the lawsuit
- 13 against Collecto?
- 14 A. I don't remember.
- 15 Q. Okay. Isn't it true you filed that in
- 16 about June of 2010?
- 17 A. It's about right.
- 18 Q. Okay, so about a month --
- 19 THE WITNESS: Right?
- 0 BY MR. SCHULTZ:
- Q. It's about a month before you called in
- 22 to West, right?
- 23 A. Okay, yeah.
  - Q. And at that point in time, isn't it true

- Q. You weren't going to complain about them?
  - A. Right. But, you know, I wasn't going to
- 3 like, you know, tell them to stop calling. Like I
  - said, at that point I left it up to my counsel.
- 5 Q. You took, then, no steps whatsoever to
- try to get the calls to stop --
- 7 A. No.
  - Q. -- until your attorney told West?
- 9 A. Correct.
- 10 Q. Okay. How long have you been in a
- 11 relationship with Ashley Walsh, approximately?
- 12 I'm not going to get you in trouble with
- 13 her when I take her dep.
- 14 A. Off and on, three to four years.
  - Q. And if you go back to Exhibit Number 1,
- 16 those interrogatories on Page 4, on Interrogatory
- Number 6 you were asked to identify every witness to
- 18 a communication you had with West, and you just
- 19 state that possibly Ashley Walsh was present during
- 15 State that possibly Ashley Walsh was present dans
- 20 some of the phone calls?
- 21 A. Right.
  - Q. Do you mean she was just there when your
- 23 phone rang?
  - A. Or she -- or she noticed how I was when I
- 1 that the reason why you didn't tell West to stop
- calling is because you knew you had a potential TCPA
- 3 claim against them?
  - A. Can you rephrase the question?
- 5 Q. Sure.
  - What are you looking for in this case?
- 7 What is your understanding of what you're allowed to
- 8 recover?
- 9 A. You mean money-wise?
- 10 Q. Yeah. Or what else are you looking for
- 11 in this case?
- 12 A. A thousand per call.
- Q. So it's your understanding that you get a
- 14 thousand bucks for each unlawful call that West made
- 15 to you?
- 16 A. Correct.
- 17 Q. So your case is worth more money if you
- got 50 calls, as opposed to three calls, right?
- 19 A. Correct.
- Q. So isn't it true that the reason why you
- 21 didn't tell that guy on July 12 to stop calling is
- 22 because you wanted more calls?
- 23 A. I didn't want more calls, necessarily,
- 24 but...

- 1 saw the call.
  - Q. Okay.
- 3 A. So eyewitness, yeah.
  - Q. So as far as you know, Ashley's knowledge
- 5 of this case would just be her witnessing you
- 6 getting calls from West?
- 7 A. Correct.
  - Q. Do you know if Ashley was involved --
- 9 A. Or me getting phone calls from someone
- 10 looking for someone else.
- Q. Okay. So who else have you gotten phone
- 12 calls from looking for someone else, besides West
- 13 and Collecto?
- 14 A. Just those.
- 15 Q. Okay. Have you talked to Ashley about
- 16 this case?
  - A, No.
- 18 Q. Okay. Does she know where you're at
- 19 right now?
- 20 A. Well, she no, not really.
- Q. Does she understand that she was
- 22 identified as a possible witness in this case?
- 23 A. Well, yeah.
  - Q. Okay. What is your understanding of what



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1 Ashley would testify to, if anything, in this case? 2 A. If you were to ask her pretty much the 3 same questions you asked me, she would be like, 3 Q. Did he represent you in all	
2 A. If you were to ask her pretty much the 2 A. Yes. 3 same questions you asked me, she would be like, 3 Q. Did he represent you in all	47
3 same questions you asked me, she would be like, 3 Q. Did he represent you in all	
	i
	these cases
4 yeah, I remember he used to get calls looking for 4 that we see?	Į.
5 someone, looking for someone else a lot. 5 A. Yes.	
6 Q. Okay. Do you know if Ashley ever 6 Q. What was the case agains	t Torres Credit
7 witnessed you having any conversations with West? 7 about?	
8 A. No. 8 A. The debt collection.	
9 Q. All right. 9 Q. Okay. Was that a case wi	nere Torres was
10 MR, BURKE: Where is Ashley? 10 trying to collect from a third party a	again?
11 MR. SCHULTZ: Interrogatory 6 on Page 4. 11 A. They were looking for me.	
12 BY MR. SCHULTZ: 12 Q. So do you know, is that ar	r FTCPA [sic]
13 Q. I'm going to direct your attention back 13 claim?	
14 to Interrogatory Number 10, regarding the other 14 If you don't know, you don't	know.
15 lawsuits. 15 A. I don't know.	ļ
16 A. Mm-hmm. 16 Q. Do you know if there was	a TCPA claim
17 Q. Powell versus PLS, do you know what the 17 there?	
18 nature of that lawsuit was? 18 A. I don't know.	
19 A. Yes. 19 Q. Do you know if Torres Cre	dit ever called
20 Q. What was that for? 20 you on your ceil phone?	
21 A. They had me signing bogus documents. 21 A. They did.	
22 Q. Okay. This PLS, is that the Payday Loan 22 Q. Do you know if that was fil	led in Federal
23 Stores? 23 Court?	
24 A. Yes. 24 A. Idon't know.	
46	48
1 Q. Do you know if there's a TCPA claim in 1 Q. What's the status of that c	ase?
2 that lawsuit? 2 A. That's resolved.	
3 A. I'm not sure. 3 Q. Okay. I think I asked alrea	ady, but just
4 Q. If you don't know, you don't know. 4 on the Collecto case, is that resolved	/ed?
5 MR. BURKE: Just say what you know. 5 A. That's resolved, yes.	
6 BY THE WITNESS: 6 Q. So do you have any other	litigation
7 A. I'm not sure. 7 besides this case that's currently p	ending?
8 BY MR. SCHULTZ: 8 A. No.	
	se cases, do
9 Q. Okay. What's the status of that case? 9 Q. All right. Were any of the	
9 Q. Okay. What's the status of that case? 9 Q. All right. Were any of thes 10 Is it settled? 10 you know, class actions?	
10 Is it settled?  10 you know, class actions?  11 A. It's resolved.  11 A. No.	
10 Is it settled? 10 you know, class actions?	
10 Is it settled?  10 you know, class actions?  11 A. It's resolved.  11 A. No.	
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 you know, class actions?  11 A. No. 12 Q. Okay. Did West ever— 13 MR. SCHULTZ: Strike that. 14 BY MR. SCHULTZ:	
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice  10 you know, class actions?  11 A. No.  12 Q. Okay. Did West ever — 13 MR. SCHULTZ: Strike that. 14 BY MR. SCHULTZ: 15 Q. I think you testified to this	
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice 16 Property Management?  10 you know, class actions?  11 A. No.  12 Q. Okay. Did West ever — 13 MR. SCHULTZ: Strike that. 14 BY MR. SCHULTZ: 15 Q. I think you testified to this 16 West left you messages on	
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice 16 Property Management? 17 A. That was my landlord, or ex-landlord,  10 you know, class actions?  11 A. No. 12 Q. Okay. Did West ever — 13 MR. SCHULTZ: Strike that. 14 BY MR. SCHULTZ: 15 Q. I think you testified to this 16 West left you messages on 17 phone, right?	•
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice 16 Property Management?  17 A. That was my landlord, or ex-landlord, 18 didn't give me my security deposit.  10 you know, class actions?  11 A. No. 12 Q. Okay. Did West ever — 13 MR. SCHULTZ: Strike that. 14 BY MR. SCHULTZ: 15 Q. I think you testified to this 16 West left you messages on 17 phone, right? 18 A. Yes.	•
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice 16 Property Management?  17 A. That was my landlord, or ex-landlord, 18 didn't give me my security deposit.  19 Q. Okay. Was that filed in Circuit Court of  10 you know, class actions?  11 A. No.  12 Q. Okay. Did West ever —  13 MR. SCHULTZ: Strike that.  14 BY MR. SCHULTZ:  15 Q. I think you testified to this  16 West left you messages on  17 phone, right?  18 A. Yes.  19 Q. Okay. Was that filed in Circuit Court of  19 Q. Did they leave a message	your cell
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice 16 Property Management?  17 A. That was my landlord, or ex-landlord, 18 didn't give me my security deposit.  10 you know, class actions?  11 A. No. 12 Q. Okay. Did West ever — 13 MR. SCHULTZ: Strike that. 14 BY MR. SCHULTZ: 15 Q. I think you testified to this 16 West left you messages on 17 phone, right? 18 A. Yes.	your cell
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice 16 Property Management?  17 A. That was my landlord, or ex-landlord, 18 didn't give me my security deposit.  19 Q. Okay. Was that filed in Circuit Court of 20 Cook County, do you know?  21 A. I'm not sure.  10 you know, class actions?  11 A. No.  12 Q. Okay. Did West ever —  13 MR. SCHULTZ: Strike that.  14 BY MR. SCHULTZ:  15 Q. I think you testified to this  16 West left you messages on  17 phone, right?  18 A. Yes.  19 Q. Did they leave a message  20 called?  21 A. Basically, yes.	your cell
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in  13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice  16 Property Management?  17 A. That was my landlord, or ex-landlord,  18 didn't give me my security deposit.  19 Q. Okay. Was that filed in Circuit Court of  20 Cook County, do you know?  21 A. I'm not sure.  22 Q. Did Mr. Burke represent you in that case?  10 you know, class actions?  11 A. No.  12 Q. Okay. Did West ever —  13 MR. SCHULTZ: Strike that.  14 BY MR. SCHULTZ:  15 Q. I think you testified to this  16 West left you messages on  17 phone, right?  18 A. Yes.  19 Q. Did they leave a message  20 called?  21 A. Basically, yes.  22 Q. Did you ever listen to thos	your cell every time they
10 Is it settled?  11 A. It's resolved.  12 Q. Okay. Do you know if that was filed in 13 Federal Court?  14 A. I don't know.  15 Q. Okay. What was Powell versus Rice 16 Property Management?  17 A. That was my landlord, or ex-landlord, 18 didn't give me my security deposit.  19 Q. Okay. Was that filed in Circuit Court of 20 Cook County, do you know?  21 A. I'm not sure.  10 you know, class actions?  11 A. No.  12 Q. Okay. Did West ever —  13 MR. SCHULTZ: Strike that.  14 BY MR. SCHULTZ:  15 Q. I think you testified to this  16 West left you messages on  17 phone, right?  18 A. Yes.  19 Q. Did they leave a message  20 called?  21 A. Basically, yes.	your cell every time they e messages?



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	49		51
1	the message?	1	Collecto and West, nobody else was calling you on
2	A. Just stop listening, just leave it on the	2	your cell phone looking for Charmaine Hunter?
3	phone.	3	A. Correct.
4	Q. Did you leave it or did you delete it?	4	Q. Do you know what type of debt Collecto
5	A. I didn't delete them, no.	5	was trying to -
6	Q. Do you still have them on your phone now?	6	A. No idea.
7	A. No.	7	Q. What kind of debt Collecto was trying to
8	Q. Do you know where the contents of those	8	collect from Charmaine Hunter?
9	messages might be now?	9	A. No idea, no.
10	A. Where?	10	Q. So you don't recall if it was the same
11	Q. Yes.	11	AT&T debt?
12	A. They delete after so long.	12	A. No, I don't know.
13	Q. Okay. So as far as you know, they don't	13	Q. Do you have any idea how West got your
14	exist anywhere else?	14	7272 number associated with Charmaine Hunter?
15	A. As far as I know, no.	15	A. No.
16	Q. Do you know do you recall what the	16	Q. All right.
17	message stated?	17	MR. SCHULTZ: I think that's about it. If you
18	A. Automated, sounded like an answering	18	can just give me a couple of minutes to go over my
19	machine, saying they're looking for Charmaine	19	notes.
20	Hunter.	20	(WHEREUPON, a recess was had.)
21	Q. So it sounded like a computer voice?	21	BY MR. SCHULTZ:
22	A. Definitely, yes.	22	Q. Just so I'm clear, I understand that you
23	Q. To the best of your recollection, the	23	don't have a good approximation of how long you've
24	message stated it was looking for Charmaine Hunter?	24	had the 7272 cell phone number, but you had it at
<u> </u>	50		52
1	A. Yes.	1	Boost, and you had it at Sprint, right?
2	Q. Was it the same message over and over and	2	A. Correct.
3	over again?	3	Q. And somewhere, two, three, four years
4	A. Yes.	4	you've had the phone, then, right?
5	Q. When you played that message, did it	5	A. Correct.
6	cause you to lose some of the minutes on your cell	6	Q. You don't know who may have had that
7	phone?	7	number before you?
8	A. Yes.	8	A. No.
9	Q. Do you have a plan that doesn't have	9	Q. All right.
10	unlimited minutes?	1.0	MR. SCHULTZ: That's all the questions I've
11	A. At the time – well, I don't care what	11	got.
12	phone company you got. If it says unlimited, it's	12	EXAMINATION
13	not unlimited. I have to pay for everything. Every	1.3	BY MR. BURKE:
14	time I pick up the phone, I've got to pay for it.	14	Q. I have a couple, I guess, questions for
15	Q. Is one of your claims in this case that	15	Domi.
16	every time you listened to one of those voicemails,	16	Domi, did you ever tell West that it was
17	you had to pay for it?	17	okay for them to record phone calls that you made to
18	A. Right.	18	them?
1.9	Q. Do you know how much you would have had	19	A. Never, no.
20	to pay each time you listened to a message?	20	<ul> <li>Q. Were you aware that West was recording</li> </ul>
21	A. The numbers I don't exactly have. I just	21	this phone call between you and West?
22	know per call, per minute they charge something.	22	A. No.
23	Q. All right.	23	Q. Isn't it true that we have – isn't it
۱ ۵۰	Livet went to make a war Other than	1	



I just want to make sure. Other than

24

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true that we originally thought Collecto was calling

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	53			55
1	you, after we sued Collecto?	1	West?	
2	MR. SCHULTZ: Can I just you said "we." I	2	A. Sometimes they would leave messages,	
3	don't want you to waive any privilege.	3	sometimes they wouldn't. Sometimes it would be	
4	MR. BURKE: Okay, I'll rephrase it.	4	when it went to my voicemail, it would be right in	f
5	BY MR. SCHULTZ:	5	the middle of a message. It was all automated, so	1
6	<ul><li>Q. isn't it true that you thought that</li></ul>	6	in the time — by the time my voicemail picked up,	
7	Collecto was calling you, after we had sued	7	they were already leaving the message.	
8	Collecto?	8	Do you know what I mean?	İ
9	A. True, yes.	9	<ul><li>Q. Yeah, I gotcha. It was cut off,</li></ul>	Į
10	Q. Isn't it true that it took a substantial	10	basically?	
11	amount of time to figure out that it wasn't Collecto	11	<ul> <li>A. It was cut off the man saying like</li> </ul>	
12	that was calling you?	12	some messages would be, as soon as I hit play, "for	1
13	A. Yes.	13	Charmaine Hunter," and that was it. It was in the	
14	MR. BURKE: Okay, that's all.	14	middle of their spiel.	ļ
15	FURTHER EXAMINATION	15	Q. When you testified earlier that you	
16	BY MR. SCHULTZ:	16	thought there were 30 to 50 calls from West, how is	
17	Q. I hate to do this, but I have to get some	17	it that you're as you sit here today, you can	Ì
18	understanding of what we're dealing with. I think	18	distinguish the West calls from the Collecto calls?	
19	there's a history here that I'm not privy to, so.	19	A. The number the number I associated on	1
20	When was Collecto calling you?	20	the voicemails.	
21	Do you remember when they first started	21	Q. Okay. So at some point in time you	į
22	calling you?	22	figured out that, for lack of 1111 was a West	
23	A. Not when they first started calling me,	23	number?	
24	no.	24	You know what I mean by 1111?	Ì
		<del></del>		
	54	1	A Management of the control of the c	56
1	Q. Do you know	1	A. Yes, associated the number, yeah.	
2	A. It was early 2009, 2010.	2	Q. So you were able to look at your phone	- 1
3	Q. Early 2010,	3	and say, oh, there's 1111 again, that's West calling	
4	Do you know when, about, the calls	4	you?	
5	stopped?	5	A. Right.	
6	A. No, I don't I don't remember those	6	Q. As you sit here today, you think there	
7	dates either.	7	was between 30 to 50 of those calls?	
8	<ul> <li>Q. You said that as best as you could</li> </ul>	8	A. Right.	
9	recall, when West called you, you thought they were	9	<ul> <li>Q. But it wasn't until later on that you</li> </ul>	
10	leaving messages most, if not all the time, right?	10	figured out it was actually West calling, is that	
11	A. Right.	11	what you were saying before?	
12	<ul> <li>Q. You said that you listened to did you</li> </ul>	12	<ul> <li>A. It wasn't up until the 50, it was kind</li> </ul>	
13	listen to all the messages or some of them?	1.3	of, you know, early goings on in the calls that !	
14	A. I didn't listen to all of them. Some	14	recognized and after listening to the voicemails.	
15	numbers were the same, some were different. So the	15	<ul> <li>Q. Do you know when you settled the Collecto</li> </ul>	
16	ones that I recognized associated with West, they	16	case?	
17	went straight to voicemail, and they just stayed	17	Was it in 2010 or 2011?	
18	there.	18	<ol> <li>I don't really remember.</li> </ol>	
19	Q. The messages you got from West, did they	19	Q. Okay.	
20	say that this was a call from West or something to	20	MR. SCHULTZ: I'm guessing there's	
21	and the second s	1		
1	that extent?	21	confidentiality on some of these agreements.	
22	that extent?  A. Yes.	21 22	confidentiality on some of these agreements.  MR. BURKE: Yeah, it was like the settlement,	
1		1	, ,	
22	A. Yes.	22	MR. BURKE: Yeah, it was like the settlement,	



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57 case, was it? 1 THE WITNESS: Okay. 2 A. No. BY MR. SCHULTZ: 2 MR. BURKE: I don't think it was. 3 Q. All the lawsuits that we talked about MR. SCHULTZ: I don't think it was either. It earlier, in response to Interrogatory Number 10, looked like a Florida case. were all those cases settled? MR. BURKE: That's it. 6 A. What do you mean settled? 6 MR. SCHULTZ: For the questions you mean? 7 Q. Did you try any of those cases? Did you 7 MR. BURKE: Yeah. 8 go to trial on any of them? MR. SCHULTZ: Sorry. Just maybe I should leave 9 A. Yeah. 9 it and ask you, Alex. 10 MR. BURKE: No. 10 **FURTHER EXAMINATION** 11 THE WITNESS: No? BY MR. SCHULTZ: 12 12 BY THE WITNESS: Q. The PLS, the Torres and Collecto, those 13 13 A. No. were all class actions? 14 BY MR. SCHULTZ: A. Yeah. 15 1.5 Q. You didn't try any of the cases? MR, BURKE: Torres was not a class action. A. No. 16 16 MR. SCHULTZ: Torres was not, okay. 1.7 MR. SCHULTZ: Alex seems pretty sure of that. 17 BY MR. SCHULTZ: BY MR. SCHULTZ: 18 18 Q. The PLS, the one against Payday Loan Q. As far as you know, did you get paid on 19 19 Stores, was? ail those cases when they were resolved? 20 20 A. Right. 21 21 A. Yes. Q. You didn't lose any of them, like on a 22 Q. I think you just testified that there was 22 23 a TCPA claim there? motion, that you're aware of? 23 A. Those numbers? 24 Right. 24 58 60 MR. SCHULTZ: I think that's all I've got. MR. BURKE: I think there was. 1 1 **FURTHER EXAMINATION** BY MR. SCHULTZ: 2 2 BY MR. BURKE: Q. Do you know if that was settled on a 3 3 Q. Okay, I have some followup maybe to just class-wide basis? MR. SCHULTZ: And again, I don't care if you 5 clear up the record on some of the stuff about these 5 answer these questions. 6 cases. 6 7 Your case against Collecto was a class 7 MR. BURKE: Yeah, I mean, I can't really 8 action, right? 8 testify, but if you look it up, it'll show that 9 A. Yes, yes. 9 arbitration was compelled. 10 Q. Okay. The case against Torres was an 10 MR. SCHULTZ: Okay. 11 individual suit, right? 11 MR. BURKE: Individual arbitration was A. Right. 12 compelled. 12 13 Q. The case against PLS was a class action, 13 MR. SCHULTZ: All right. 14 right? BY MR. SCHULTZ: 14 A. Yes. 15 15 Q. So you were never -- there was never a Q. The case against the property management 16 16 motion for class certification, as far as you know, company was also a class action, right? 17 17 that was granted, appointing you as a class A. Yes. 18 representative? 18 Q. We lost the motion to compel arbitration A. Right. 19 19 in the PLS case, didn't we? Q. On the Collecto case, were you ever 20 20 A. Yeah. 21 21 appointed class representative in that case? Q. We settled after that, right? 22 22 A. No. 23 A. Yes. 23 Q. So that case settled on single plaintiff 24 Q. The case against Torres was not a TCPA 24 cases?



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DOM:	INGINHO POWELL		August 30, 2011
			63
1	A. Yes.	1.	hereto, nor interested directly or indirectly in the
2	Q. As far as you know, have you ever been	2	outcome of this action.
3	appointed the representative of a class, to serve as	3	
4	the class representative?	4	IN WITNESS WHEREOF, I do hereunto set my
5	A. No.	5	hand of office at Chicago, Illinois, this 11th day
5	MR. SCHULTZ: That's all I've got.	6	of September, 2011.
7	MR. BURKE: That's all.	7	· · · · · · · · · · · · · · · · · · ·
	We will reserve.	8	C.S.R. Certificate No. 084,004641.
8		9	
9	FURTHER DEPONENT SAITH NOT.	10	
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<b></b>	62		64
1	STATE OF ILLINOIS)	1	INDEX
2	) SS:	2	WITNESS EXAMINATION
3	COUNTY OF C O O K )	3	DOMINGINHO POWELL
4	,	4	By Mr. Schultz 3, 53, 59
5	I, ELIA E. CARRION, a Certified Shorthand	5	By Mr. Burke 52, 58
6	Reporter of said state, do hereby certify:	6	-, <del>,</del>
7	responds of said state, as notice; so they	7	EXHIBITS
8	That previous to the commencement of the	8	NUMBER PAGE/LINE NUMBER
و ا	examination of the witness, the witness was duly	9	Powell Deposition Exhibit No. 1 11 13
1	sworn to testify the whole truth concerning the	10	Powell Deposition Exhibit No. 2 24 24
10	matters herein:		,
11	maters neight,	11	Powell Deposition Exhibit No. 3 28 23
12	That the forestian description to a side	12	
13	That the foregoing deposition transcript	13	
14	and the company of the company of the control of th		
1	was reported stenographically by me, was thereafter	14	
15	reduced to typewriting under my personal direction	15	
15 16	reduced to typewriting under my personal direction and constitutes a true record of the testimony given	15 16	
15 16 17	reduced to typewriting under my personal direction	15 16 17	
15 16 17 18	reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;	15 16	
15 16 17	reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;  That the said deposition was taken before	15 16 17	
15 16 17 18	reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;	15 16 17 18	
15 16 17 18 19	reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;  That the said deposition was taken before	15 16 17 18 19	
15 16 17 18 19 20	reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;  That the said deposition was taken before	15 16 17 18 19 20	
15 16 17 18 19 20 21	reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;  That the said deposition was taken before me at the time and place specified;	15 16 17 18 19 20 21	



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DOM.	INGINHO POWELL		August 30,	201 <u>1</u>
		65		67
1	IN THE UNITED STATES DISTRICT COURT	1	DEPOSITION ERRATA SHEET	
2	FOR THE NORTHERN DISTRICT OF ILLINOIS	2	Page NoLine NoChange to:	-
3	EASTERN DIVISION	3		
4		4	V	
5	DOMINGINHO POWELL, )	5	Page NoLine NoChange to:	
6	Plaintiff, ) Case No.	6	······································	
7	vs. ) 10 CV 7852	7	Reason for change:	<del>.</del>
8	WEST ASSET MANAGEMENT, )	8	Page NoLine NoChange to:	
9	INC.,	9		
10	Defendant. )	10	Reason for change:	-
11	·	1.1	Page NoLine NoChange to:	
12	I hereby certify that I have read the	12		
13	foregoing transcript of my deposition given at the	13	Reason for change:	_
14	time and place aforesaid, consisting of Pages 1 to	14	Page NoLine NoChange to:	•
15	61, inclusive, and I do again subscribe and make	15		<u>.                                    </u>
16	oath that the same is a true, correct and complete	16	Reason for change:	
17	transcript of my deposition so given as aforesaid,	17	Page NoLine NoChange to:	-
18	and includes changes, if any, so made by me.	18		
19	DOMINGINHO POWELL	19	Reason for change:	<del></del>
20	SUBSCRIBED AND SWORN TO	20	Page NoLine NoChange to:	-
21	before me this day	21		
22	of , A.D. 201 .	22	Reason for change:	
23	Notary Public	23		
24		24	DOMINGINHO POWELL	
		66		68
1	DEPOSITION ERRATA SHEET	l	DEPOSITION ERRATA SHEET	
2		2	Page No. Line No. Change to:	_
3	Assignment No. 267680	3		
4	Case Caption: POWELL v. WEST ASSET MANAGEMENT, INC.	4		
S		5	Page NoLine NoChange to:	_
6	DECLARATION UNDER PENALTY OF PERJURY	6		
7	I declare under penalty of perjury that I have	7	Reason for change:	_
8	read the entire transcript of my Deposition taken in	8		
9	the captioned matter or the same has been read to	9		
1.0	me, and the same is true and accurate, save and	10	Reason for change:	
11	except for changes and/or corrections, if any, as	11		
12	indicated by me on the DEPOSITION ERRATA SHEET	12		
13	hereof, with the understanding that I offer these	13	Reason for change:	_
14	changes as if still under oath.	14		-
15	Signed on the day of	15		
16	······································	16	Reason for change:	<b></b>
1.7		17		-
1.8	DOMINGINHO POWELL	18		
19		19	Reason for change:	
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24		24	DOMINGINHO POWELL	



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